

# Notice of Allowability

Application No.

10/800,314

Examiner

Tam Nguyen

Applicant(s)

PETERSON ET AL.

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3-15-04.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

  
JEROME DONNELLY  
PRIMARY EXAMINER

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 3-15-04
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 9-6-07
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James T. Gray on September 6, 2007.

1. The application has been amended as follows:

In claim 1, on line 1, delete "removed comprising:" and insert --removed, the trainer comprising:--

In claim 1, on line 4, delete "member for" and insert --member, having a front fork mount, for--

In claim 1, on line 5, delete "of said bicycle" and insert --of a bicycle--

In claim 1, on lines 6-7, delete "an interposed horizontal member for supporting said front member and said rear member," and insert --an elongated horizontal member defining a longitudinal axis, having a first end supporting said vertical front member and an opposite end supporting said vertical rear member,--

In claim 1, on line 11, delete "the end" and insert --a distal end--

In claim 1, on line 12, insert --adapted to be-- after "and"

In claim 1, delete line 13 and insert --a spring mechanism having a pair of springs, each having a first end connected to said pivot frame and an opposite end connected to said base frame--

In claim 1, on line 14, insert --pivot-- before "frame"

In claim 1, on line 17, insert --on the trainer-- before "during"

In claim 2, on line 1, delete "vertical front member of said pivot" and insert --base--

In claim 2, on line 2, delete "at" and insert --supporting--

In claim 2, on lines 2-3, delete "simulated bicycle steering." and insert --lateral movement of the bicycle on the trainer to simulate leaning and steering of a bicycle during use.--

In claim 7, on line 2, delete "removed comprising:" and insert --removed, the trainer comprising:--

In claim 7, on line 4, delete "member for" and insert --member, having a front fork mount, for--

In claim 7, on line 5, delete "of said bicycle" and insert --of a bicycle--

In claim 7, on lines 6-7, delete "an interposed cylindrical horizontal member for supporting said front member and said rear member," and insert --a cylindrical horizontal member defining an imaginary tire contact line, having a first end supporting said vertical front member and an opposite end supporting said vertical rear member,--

In claim 7, on line 8, delete "the rear" and insert --a rear portion--

In claim 7, on line 10, delete "a base rectangular frame" and insert --a rectangular base frame--

In claim 7, on line 11, delete "at " after "supporting"

In claim 7, on line 11, insert --thereof-- after "ends"

In claim 7, on line 12, delete "the end" and insert --a distal end--

In claim 7, on line 13, insert --adapted to be-- after "and"

In claim 7, delete lines 14 and 15 and insert --a spring mechanism having a pair of springs and a shock absorber having a pair of shocks, each spring and shock having a first end connected to said pivot frame and an opposite end connected to said base frame for pivotably restoring the pivot frame and said bicycle to a--

In claim 7, on line 18, insert --of the bicycle-- after "pedals"

In claim 7, on line 18, insert --laterally-- after "by"

In claim 9, on line 1, delete "vertical front member of said pivot" and insert --base--

In claim 9, on line 2, delete "at the front fork mount." and insert --for supporting the front fork mount to allow for lateral movement of the bicycle on the trainer to simulate leaning and steering of a bicycle during use.--

### **REASONS FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance:

In view of the applicant's amendments and after further consideration of the invention, the claims as presented avoid the prior art of record. The prior art does not disclose a bicycle trainer for use with a conventional bicycle wherein the trainer includes a base frame, a pivot frame and a spring mechanism connected to both frames for pivotably restoring the pivot frame and a bicycle removably coupled to the pivot frame to a substantially upright neutral position subsequent to displacement from the neutral position. In particular, the pivot frame includes an elongated horizontal member and front and rear support members for supporting a bicycle, and the base frame includes a pair of rotational coupling means for supporting the horizontal member to allow the pivot

frame and thus the bicycle thereon to pivot laterally back and forth to simulate the natural back and forth motion experienced by a user during cycling exercise.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Augspurger et al., Pizolato '751, Carbonell Tendero '672, Chang '577 and Smith '737 each disclose exercise apparatus that are usable with bicycles wherein the apparatus includes biasing means for keeping bicycles upright during exercise.

Young '899 discloses a motor cycle trainer having springs that assist the user in bringing the motor cycle back to a vertical position during riding simulation exercise.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 571-272-4979. The examiner can normally be reached on M-F 9-5.

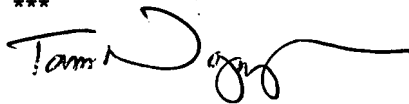
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on 571-272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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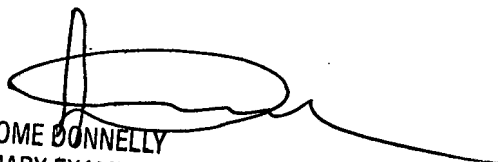
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 6, 2007

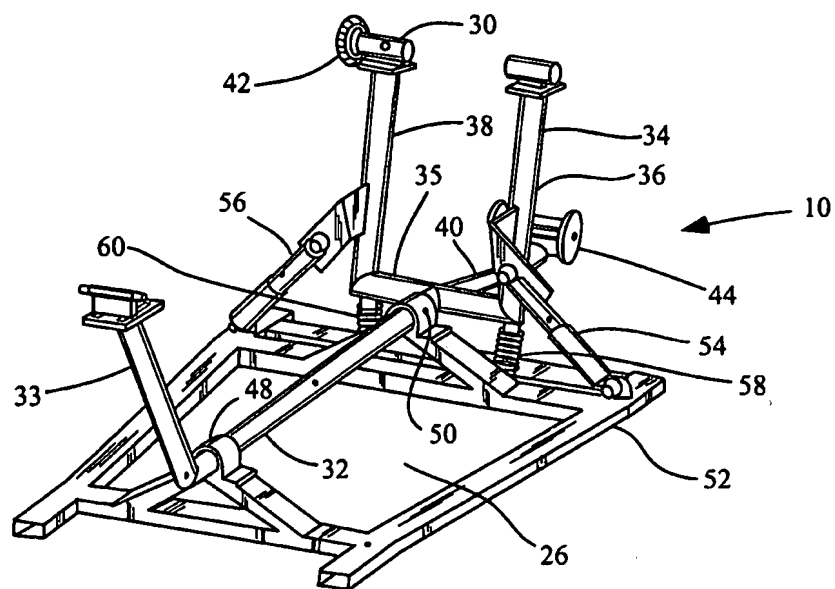
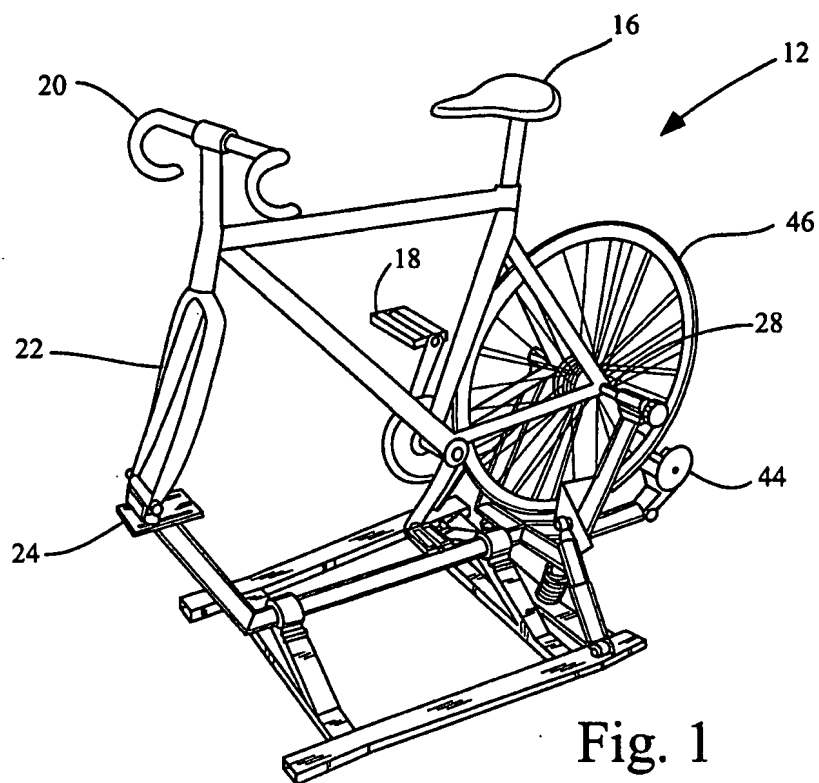
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Tam M. Nguyen  
3764



JEROME DONNELLY  
PRIMARY EXAMINER



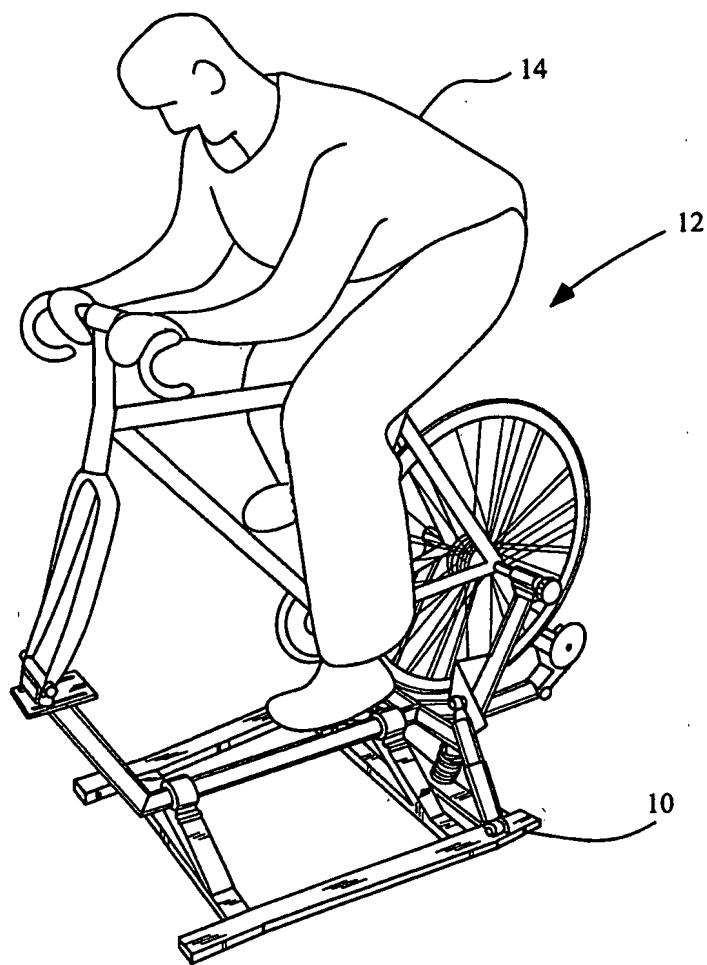


Fig. 3



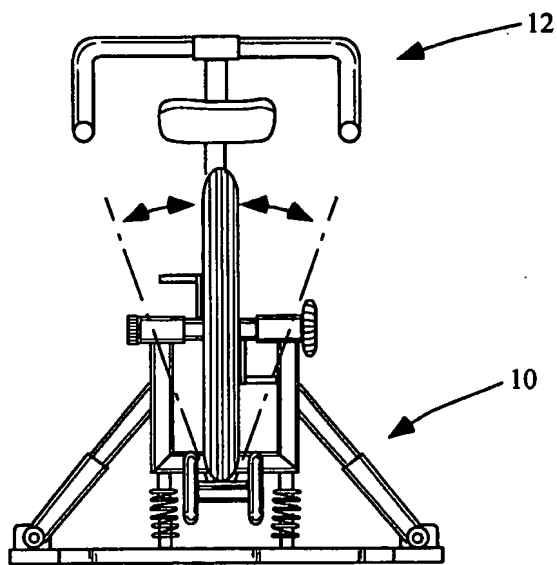


Fig. 4